CHAPTER lxxx.

An Act to confirm certain Provisional Orders made by the Board of Trade under "The Tramways Act, 1870," relating to Leicester Tramways (Extensions), Walsall and District Tramways, and Wigan Tramways. A.D. 1884.

[3rd July 1884.]

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 78.

And whereas a Provisional Order made by the Board of Trade under the authority of the Tramways Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Tramways Orders Confirmation (No. 2) Act, 1884." Short title.

2. The several Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full force and validity, and the dates of the same respectively shall be the date of the passing of this Act. Confirmation of Orders in schedule.

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SCHEDULE OF ORDERS.

Leicester Tramways (Extensions).—Order authorising the construction of tramways in the parishes of Saint Margaret Leicester, Aylestone, Humberstone, Belgrave, Knighton and Oadby, in the county of Leicester.

Walsall and District Tramways.—Order amending the Walsall and District Tramways Order, 1880, and the Walsall and District Tramways Order, 1882.

Wigan Tramways.—Order authorising the construction of certain additional tramways in the borough of Wigan and neighbourhood, in the county of Lancaster.

LEICESTER TRAMWAYS (EXTENSIONS). A.D. 1884.

Order authorising the Construction of Tramways in the parishes of Saint Margaret Leicester, Aylestone, Humberstone, Belgrave, Knighton and Oadby, in the county of Leicester. Leicester.

1. This Order may be cited as "The Leicester Tramways (Extensions) Order, 1884." Short title.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), and of the Tramways Act, 1870, are hereby incorporated with this Order, except where the same are expressly varied by this Order. Incorporation of Acts.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, meanings are assigned, have in this Order the same respective meanings: Provided that in this Order— Interpretation.

The expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "the Order of 1873" means the Leicester Tramways Order, 1873.

The expression "the Act of 1877" means the Leicester Tramways Act, 1877; and

The term "person" includes a corporation.

Promoters.

4. The Leicester Tramways Company incorporated by the Act of 1877 shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters." The Promoters.

5. The Promoters may, by agreement from time to time, purchase, take on lease, and acquire, for the purposes of the undertaking, such lands as they may require, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes; provided that they shall not at any time hold for such purposes more than ten acres of land. Lands by agreement.

6. The Promoters may apply to the purposes of this Order, and to the payment of the costs of and connected with the application for, preparation, making and confirmation of this Order, and preliminary or incidental thereto, any capital which they are by the Act of 1877 authorised to raise, and which is not required for the purposes of that Act. Promoters may apply their capital to purposes of this Order.

Construction of Tramways.

7. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited at the office of the Board of Trade, for the purposes of this Order, as the same have Construction of tramways.

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been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections"), the tramways herein-after described, with all proper rails, plates, chairs, sleepers, offices, weigh-bridges, turntables, weighing machines, carriage-houses, stables, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways herein-before referred to and authorised by this Order are:—

Tramway No. 1, wholly situate in the parish of Aylestone, in the county of Leicester, commencing in the Aylestone Road, at the termination of the existing tramways, and passing thence in a westerly direction along that road and terminating therein at a point opposite Middle Street;

Tramway No. 1 shall be laid as a single line, except between the following points, where it shall be laid as a double line (that is to say):—

Between its commencement and a point three chains westward therefrom;

Between two points respectively ten chains, and thirteen chains westward of its commencement;

Between a point opposite Cat Lane, and a point three chains westward therefrom;

Between its termination and a point one and a half chains eastward therefrom.

The total length of Tramway No. 1 will be five furlongs seven chains, consisting of one furlong 0·50 chain of double line, and four furlongs 6·50 chains of single line.

Tramway No. 2, situate in the parish of Saint Margaret Leicester, and the parishes of Belgrave and Humberstone, in the county of Leicester, commencing in the parish of Saint Margaret Leicester, at the termination of the existing tramways in the Humberstone Road, and passing thence in an easterly direction along that road and terminating therein in the said parish of Humberstone six and a half chains eastward of Layton Road;

Tramway No. 2 shall be laid as a single line, except between the following points, where it shall be laid as a double line:—

Between two points respectively, four and a half chains and seven chains eastward from Overton Road;

Between its termination and a point one and a half chains westward therefrom;

The total length of Tramway No. 2 will be three furlongs 8·50 chains, consisting of four chains of double line, and three furlongs 4·50 chains of single line.

Tramway No. 4, situate in the parishes of Knighton and Oadby, in the county of Leicester, commencing in the said parish of Knighton at the termination of the existing tramways in the London Road and passing thence southwardly along that road and terminating therein in the parish of Oadby, at a point twenty-one chains northward from Oadby Street;

Tramway No. 4 shall be laid as a single line, except between the following points, where it shall be laid as a double line:—

Between its commencement and a point one chain southward therefrom;

Between two points respectively four chains and eight chains southward of Knighton Drive;

Between two points respectively five and a half chains and nine and a half chains southward of Radcliffe Road;

Between two points respectively eight chains and twelve chains southward of South Knighton Road;

And between two points respectively two chains and seven chains southward of the entrance into the county racecourse;

The total length of Tramway No. 4 will be seven furlongs 7·65 chains, consisting of one furlong eight chains of double line, and five furlongs 9·65 chains of single line.

Tramway No. 5, wholly situate in the parish of Oadby, in the county of Leicester, commencing in the London Road at a point twenty-one chains northward from Oadby Street and passing thence in a southwardly direction, and terminating at a point five chains northward of St. Peter's Church, Oadby;

Tramway No. 5 shall be laid as a single line, except between the following points, where it shall be laid as a double line:—

Between two points respectively ten chains northward from and opposite Oadby Street;

Between its termination and a point 16·50 chains northward therefrom:

Provided that Tramway No. 5 shall be so laid as a double line between the two last-mentioned points, that one only of such lines can be used at one and the same time.

The total length of Tramway No. 5 will be four furlongs 3·75 chains, consisting of two furlongs 6·50 chains of double line, and one furlong 7·25 chains of single line.

The whole of the said tramways will be situate in the several parishes of Saint Margaret Leicester, Aylestone, Humberstone, Belgrave, Knighton, and Oadby, all in the county of Leicester.

Gauge of tramways.

8. The tramways shall be constructed on a gauge of four feet eight and a half inches.

As to rails of tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve; and the Board of Trade may, from time to time, upon the application of the local authority, or of the road authority of any district in which the tramways, or any portion thereof, are or is situate, require the Promoters to adopt and apply such improvements in the tramways within such district, including the rails and permanent way thereof, together with the sub-structure upon which the same rest, as experience may from time to time suggest, having regard to the greater security of the public, and advantage to the ordinary traffic, and the Promoters shall, with all reasonable despatch, comply with any

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order made by the Board of Trade for the purpose of carrying out any such improvements.

Provisions as to construction of tramways.

10. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, laying down, maintenance, or renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence, and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times, to the satisfaction of the road authority, maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways shall for the time being consist, and the sub-structure upon which the same rest, and so much of the paving of any roads upon which the same rest as is required to be maintained by the Promoters; and if the Promoters at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid, or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Promoters have made any such default as aforesaid, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870, and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed in respect of offences.

Local authority to have access to sewers.

12. Every local authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Promoters; and the provisions contained in the sections thirty-two and thirty-

three of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the local authority as if the same were a pipe for the supply of gas or water.

Tramways to be kept on a level with surface of road.

13. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Passing places to be constructed where less than a certain width left between footpath and tramway.

14. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches, the Promoters shall, and they are hereby required, to construct a passing place or passing places connecting the one tramway with the other, and by means of such passing place or passing places the traffic shall, when necessary, be diverted from one tramway to the other.

Additional crossings, passing places, &c. may be made where necessary.

15. The Promoters may, subject to the provisions of this Order, with the consent of the local authority and the road authority, from time to time hereafter, make, maintain, alter and remove all such crossings, passing places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways, or any of them, or for providing access to any stables, carriage-houses, sheds, or works of the Promoters: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto.

Temporary tramways may be made when necessary.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid, it is, in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway, or any part thereof, the Promoters may, with the consent of the road authority, subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain so long as occasion may require, a temporary tramway or temporary tramways, in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any conditions or regulations, or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

17. Any paving, metalling, or material excavated by the Promoters in the construction of their works, from any road under the jurisdiction or control of any road authority, may be applied by the Promoters, so far as may be

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necessary, in or towards the reinstating of such road, and the maintenance for six months, after completion, of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain, and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided that, if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority.

Tramways not to be opened until certified by Board of Trade.

18. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by a secretary or an assistant secretary of the said Board, authorised the same to be opened for such traffic.

Traffic upon Tramways.

Traffic upon tramways.

19. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels.

Promoters not bound to carry animals, goods, &c.

20. The Promoters shall not be bound to carry, unless they think fit, any animals, goods, minerals, or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Carriage of animals, goods, &c. in separate carriages.

21. In case the Promoters carry animals, goods, minerals, or parcels, they may, and when required by the local authority shall, carry the same in separate carriages, or separate parts of carriages set apart for that purpose: Provided that this provision shall not apply to the carriage of passengers luggage or small parcels.

Tolls.

For purposes of tolls for passengers tramways to form part of tramways authorised by Order of 1883.

22. The tramways authorised by this Order shall, for the purposes of tolls for passengers, be deemed to form part of the tramways authorised by the Act of 1877; and sections seventy-two to seventy-four, both inclusive, of the Act of 1877, shall, as far as the same are applicable, apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Act of 1877.

Provided always, that if the Promoters, during any race meetings, fêtes or other entertainments held on the Leicester new race-course, situate near Oadby, in the county of Leicester, run one carriage every twenty minutes between the hours of ten and six, from and to the Clock Tower in Leicester

to and from the present terminus on the London Road (corner of Knighton Lane) they may run any number of special carriages between the said new racecourse and the Clock Tower, and may charge for the conveyance of each passenger in such special carriages for any distance travelled by him therein any sum not exceeding fourpence, and provided that, except between those hours, the Promoters shall run carriages on the said days and occasions, and during the said meetings, in the same manner as on ordinary days, and at the usual fares.

Tolls for animals, goods, &c.

23. The Promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them on the tramways or any part thereof except as is by this Order specially provided, including the tolls and charges for the use of the tramways and for waggons or trucks, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the schedule to this Order annexed.

Payment of tolls.

24. The tolls and charges by this Order authorised shall be paid to such persons, and at such places upon or near to the tramways, and in such manner and under such regulations as the Promoters may by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

25. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of such district, or by the Promoters, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

Miscellaneous.

As to surplus profits.

26. If the Promoters construct the tramways by this Order authorised, section eighty-four of the Act of 1877 shall, from and after the completion of such tramways, be read and construed as if eleven pounds had been inserted therein instead of twelve pounds and ten shillings, and the provisions of that section shall apply to the profits to be derived from the whole undertaking of the Promoters, including the undertaking authorised by this Order.

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As to purchase by the Corporation of Leicester.

27. If the mayor, aldermen and burgesses of the borough of Leicester (in this Order subsequently referred to as "the Corporation") exercise their power of purchase under the provisions of section eighty-two of the Leicester Tramways Act, 1877, they shall purchase, and the Promoters shall, at any time within the period during which such power may be exercised, sell to the Corporation the undertaking by this Order authorised. The purchase-money to be paid by the Corporation for such purchase shall be the amount properly expended on and debitable to capital account, and the liabilities at the date of the notice to purchase properly incurred and debitable to capital account in respect of such undertaking, after deducting therefrom such sum as may be properly deducted for depreciation thereof, or for or on account of any removal or discontinuance of any part of such undertaking, but adding thereto ten pounds per centum on the total amount of such purchase-money as compensation for compulsory sale. Any such purchase shall be deemed to be a purchase of the undertaking of the Promoters, under the authority of section forty-three of the Tramways Act, 1870.

Provisions as to arbitration.

28. Where under the provisions of the Tramways Act, 1870, and this Order, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties, and the costs of and incidental to the arbitration and award shall, if either party so require, be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice, and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters; and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend and apply to the fees in respect of the said taxation.

Form and delivery of notices.

29. With respect to notices, and to the delivery thereof by or to the Promoters, the following provisions shall have effect (that is to say):—

1. Every notice shall be in writing or print, or partly in writing, and partly in print, and if given by any local authority, or any road authority, shall be signed by their clerk or secretary:
2. Any notice to be delivered by or to the Promoters, to or by any local authority or any road authority, or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Promoters, as the case may be, or by being sent by post in a registered letter, addressed to their respective clerk or secretary at their principal office.

Agreement between Promoters and Leicester Highway Board.

30. The Promoters and the highway board for the district of Leicester, or other authority having the duty of directing the repairs or the control or management of the streets, roads, and places respectively, in the said district, may, subject to the provisions of this Order, from time to time enter into any contracts and agreements with respect to the alteration of the levels or gradients or the lowering of the surface of any of the said streets, roads, and places respectively, and with respect to the construction, maintaining, removing, renewing, repairing, working, and using of the tramways situate within the

jurisdiction of such authority, and the rails, plates, chairs, sleepers and works connected therewith, and the facilitating the passage of carriages and traffic over and along the same.

Power to enter into agreements with respect to traffic, &c.

31. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any company or person on the other hand, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Order, enter into agreements with respect to the receiving from or forwarding to any such company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Approval of Board of Trade to sale, &c.

32. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

33. Nothing in this Order or in the Tramways Act, 1870, contained, shall prevent the Promoters borrowing money on the security of mortgages of the undertaking, or shall make the consent or the approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of the undertaking, or any part thereof, to the local authority under section forty-three of the Tramways Act, 1870, or this Order, and that any mortgage granted by the Promoters shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act, 1870, or this Order, and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Saving for general Acts.

34. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

Audit of accounts.

35. In case the Corporation shall purchase the tramways authorised by the Order of 1873, the Act of 1877, or this Order, or any part thereof, sections two hundred and forty-six and two hundred and fifty of the Public Health Act, 1875, shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the tramways, or any part thereof, so purchased, as if such accounts related to receipts and expenditure under that Act.

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Leicester. Company to carry mails.

36. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

SCHEDULE.

Animals.

		Per mile. s.	d.
For every horse, mule, or other beast of draught or burden	per head	0	6
For every ox, cow, bull, or head of cattle	„	0	6
For calves, pigs, sheep, and small animals	„	0	3¼

Goods and Minerals.

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure, and undressed materials for the repair of public roads or highways	per ton	0	3
For all iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching and paving, tiles, slates, and clay (except fire clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs	per ton	0	3

	Per mile. s.	d.
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings - - - - - per ton	0	4
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things per ton	0	4
For every carriage, of whatever description, under one ton in weight -	0	10
With additional charge of twopence per quarter of a ton over one ton in weight.		

SMALL PARCELS.

	Any distance.	
For every parcel not exceeding seven pounds in weight - -	0	3
For every parcel exceeding seven pounds in weight, but not exceeding fourteen pounds in weight - - - - - -	0	5
For every parcel exceeding fourteen pounds in weight, but not exceeding twenty-eight pounds in weight - - - - -	0	7
For every parcel exceeding twenty-eight pounds in weight, but not exceeding fifty-six pounds in weight - - - -	0	9
For parcels exceeding fifty-six pounds, but not exceeding five hundred pounds in weight, the Promoters may demand and take such sum as they think fit.		

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

ARTICLES OF GREAT WEIGHT.

For the carriage of single parcels of great weight:—

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons, but shall not exceed eight tons, such sum as the Promoters may think fit, not exceeding eightpence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, such sum as the Promoters may think fit.

REGULATIONS AS TO TOLLS.

For all animals or goods conveyed for a less distance than three miles, the Promoters may demand and take tolls and charges as for three miles; Short distances.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Promoters may demand and take tolls and charges for such fraction in proportion to the numbers of quarters of a mile contained therein; and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile; Fractional parts of a mile.

For a fraction of a ton, the Promoters may demand and take toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton; Fractional parts of a ton.

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Leicester.

General weight.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight;

Weight of stone and timber.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech or ash, and fifty cubic feet of any other timber shall be deemed one ton weight, and so in proportion for any smaller quantity.

Walsall.

WALSALL AND DISTRICT TRAMWAYS.

Order amending the Walsall and District Tramways Order, 1880, *and the Walsall and District Tramways Order*, 1882.

Short title.

1. This Order may be cited as "The Walsall and District Tramways Order, 1884."

Orders of 1880 and 1882, and this Order, to be read as one.

2. The Walsall and District Tramways Order, 1882 (in this Order referred to as "the Order of 1882"), as amended by this Order, and this Order shall be read and construed together as one Order, and the Walsall and District Tramways Order, 1880 (in this Order referred to as "the Order of 1880"), the Order of 1882 and this Order may be cited together as "The Walsall and District Tramways Orders, 1880 to 1884."

Promoters.

3. The South Staffordshire and Birmingham District Steam Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as the Promoters.

Promoters of Order to be substituted for Promoters of Order 1882.

4. The Order of 1880 and the Order of 1882 shall from and after the passing of the Act confirming this Order be read and construed as though in section four of each of the said Orders the Promoters of this Order were substituted for the Promoters in such section mentioned, and from and after the passing of the Act confirming this Order all the rights, powers, authorities, obligations, and liabilities of the Promoters of the said Orders respectively in respect of the tramways and undertakings authorised by the said Orders respectively shall be transferred to, vested in, and may be exercised by and shall attach to the Promoters of this Order in like manner, as if such tramways had been authorised to be constructed by the Promoters of this Order.

Amendment of Order of 1882, as to construction of tramways.

5. The construction of the tramways herein-after described, in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade, as the same have been amended previous to the passing of the Act confirming this Order, is hereby authorised instead of and in substitution for the construction of so much of the tramways described in and authorised by section six of the Order of 1882 as lies between the points of commencement and termination of the Tramway No. 1 by this Order authorised, and the said section six shall be read and construed as if the tramways herein-after described had been described in and authorised by the said section six instead of so much as aforesaid of the tramways therein described, and as if the plans and sections deposited for the purposes of this Order, as the same have

been amended as aforesaid, had been referred to in the said section in relation to so much as aforesaid of such tramways, instead of the plans and sections in the said section referred to.

The tramways authorised by this Order are—

Tramway No. 1, wholly situate in the parish of Wednesbury and county of Stafford, commencing at the point of junction of the Holyhead Road with Bridge Street by a junction with the existing tramways authorised by the Wednesbury and West Bromwich Tramways Order, 1881, passing thence in a northerly direction into and along Lower High Street, Market Place, Walsall Street, Oakswell End, and Wood Green, and terminating in such last-mentioned road or street at a point forty-five yards or thereabouts north-east of the centre of Windmill Street by a junction with Tramway No. 1, authorised by the Walsall and District Tramways Order, 1882.

This tramway shall be laid as a single line except between the following points where it shall be laid as a double line :—

From the commencement of the tramway to a point sixty-one yards northward therefrom.

Between two points respectively eight yards and one hundred and sixteen yards southward from the centre of Union Street.

Between two points respectively twenty-seven yards and one hundred and six yards eastward of the centre of Pritchard Street.

The total length of Tramway No. 1 will be four furlongs 7·41 chains, of which three furlongs 6·06 chains will be single line and one furlong 1·35 chains double line.

Provided always that so much of Tramway No. 1 as will be situate in Lower High Street, Walsall Street, and Oakswell End shall, unless and until the roadway whereon such portion of the tramway is to be laid is so widened as to leave a space of not less than nine feet six inches between the outside of the footpath on either side of the road and the nearest rail of the tramway be so laid as a double line that one only of such lines can be used at one and the same time.

Additional crossings, &c. may be made where necessary.

6. Section thirteen of the Order of 1882 is hereby repealed so far as the provisions of the said section are applicable to any of the tramways authorised by the Order of 1882, and this Order within the district of Wednesbury, and the following provisions shall apply and have effect with respect to such tramways in lieu thereof.

The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables, engine houses, carriage houses, sheds, or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the Promoters, express his objection thereto.

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For protection of the London and North-western Railway Company.

7. The following provisions for the protection of the London and North-western Railway Company shall have full force and effect, and be binding upon the Promoters and their assigns:—

(1.) The Promoters shall not in any way vary, alter, or interfere with the structure of any bridge carrying any road over any railway of the said railway company, or of the approaches thereto, and they shall so construct and maintain the tramways over such bridge and such approaches as not injuriously to affect the same.

(2.) In the event of any injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or the removal of any of the tramways, the said railway company may, at the expense of the Promoters, restore such bridge and approaches, or the part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned; and the Promoters shall indemnify the said railway company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act, 1870; and the said railway company may recover from the Promoters all such sums, costs, and expenses, with full costs and charges, by all and the same means as any simple contract debt of like amount may be recovered.

(3.) Whenever and as often as the said railway company shall require to widen, lengthen, strengthen, reconstruct, alter, or repair any such bridge or approaches, or to widen or alter their railways, or to lift or support any such bridge or approaches, owing to the subsidence thereof, caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of any of the tramways over such bridge or approaches shall be wholly or partly stopped or delayed, or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters three clear days notice in writing requiring such stoppage, delay, or diversion, taking up or removal, the working and user of such tramway shall be stopped or delayed, or such tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters, and under the superintendence of the engineer of the said railway company, if such engineer shall give such superintendence, but only for so long as the said railway company may find to be absolutely necessary for effecting such purposes, and without their being liable for any compensation, claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay, or in any way relating thereto, and in case the principal engineer of the said railway company shall be of opinion that any such strengthening, alteration, or reconstruction of any bridge which shall be crossed by any of the tramways by this Order authorised is desirable or necessary, owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or mechanical power, such strengthening, alteration, or reconstruction shall be effected in all things at the expense of the Promoters, who shall also pay to the said railway company all additional expense which they may incur or be put to in effecting any such widening,

lengthening, strengthening, reconstruction, alterations, repairs, lifting, or supporting, by reason of the existence of such tramway so passing, or an of the works connected therewith, the amount of such expenditure to be recoverable as aforesaid by the said railway company from the Promoters, with full costs and charges, by all and the same means as any simple contract debt of the like amount may be recovered.

(4.) Whenever any of the tramways on either side of any such bridge or approaches is a single line, there shall only, save with the consent of the said railway company, be a single line over such bridge and approaches, and no turnouts or passing places shall be constructed thereon.

(5.) All works which may be necessary in constructing and maintaining any of the tramways over any bridge, works, or property of the said railway company, shall be constructed and maintained in all things at the expense of the Promoters, and to the reasonable satisfaction of the principal engineer of the said railway company, or in case of difference, of an engineer to be appointed by the Board of Trade, on the application of either the said railway company or the Promoters, in the manner provided by Section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

(6.) Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the said railway company otherwise than is hereby expressly provided.

Carriages may be moved by animal, steam, or mechanical power.

8. Section twenty of the Order of 1882 is hereby repealed, and the following provisions shall apply and have effect in lieu thereof with respect to the tramways authorised by the Order of 1882 and this Order.

The carriages used on the tramways authorised by the Order of 1882 and this Order may, subject to the provisions of this Order, be moved by animal power, and, with the consent in writing of the Board of Trade, and so far as such tramways are situate in the borough of Walsall with the consent in writing of the local authority, during a period of seven years after the opening of the same for public traffic, and with the like consent, during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board, by steam power, or any mechanical power: Provided always that no steam or mechanical power shall be used on any portion of such tramways where a less space than nine feet six inches is left between the outside of the footpath on either side of the road and the nearest rail of the tramway, without the consent in writing of the Board of Trade, under the hand of a secretary or assistant secretary of the said Board.

Provided further that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in Schedule A. to the Order of 1882 annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise

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of the powers by this Order conferred with respect to the use of steam or any mechanical power on such tramways.

Agreements with road authorities.

9. Sub-section (*b*) of section seventeen of the Order of 1882 is hereby repealed, and the following provisions shall apply and have effect in lieu thereof, with respect to so much of the tramways and of the undertaking authorised by the Order of 1882 and this Order as is situate within or relates to the district of Wednesbury, viz.: The Promoters and any road authority may, subject to the provisions of this Order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating the traffic over the same.

Abandonment of portions of tramways authorised by Order of 1882.

10. The Promoters shall abandon, discontinue, and remove the following portions of the tramways authorised by the Order of 1882 if and when the same shall be rendered unnecessary by the construction of the tramways by this Order authorised (that is to say):—

So much of the said tramways as lies between the points of commencement and termination of the Tramway No. 1, by this Order authorised.

Release of deposit.

11. Whereas pursuant to the Tramways Act, 1870, and the rules made by the Board of Trade, and to a warrant or order of the Board of Trade, a sum of three hundred and ninety pounds seventeen shillings was deposited with the Chancery Division of the High Court of Justice to the credit of ex parte the Walsall and District Tramways, 1882: therefore at any time after the completion and opening for public traffic of the tramways by this Order authorised the Chancery Division of the High Court of Justice shall, on the application of the Promoters in a summary way, and upon production of a certificate signed by the secretary, or an assistant secretary, of the Board of Trade, specifying the length of the portions of tramway so authorised to be abandoned as aforesaid, and the portion of the sum so deposited which bears to the whole of the said sum the same proportion as the length of the said portions of tramway so authorised to be abandoned bears to the entire length of the tramways authorised by the Order of 1882, and certifying that the whole of the tramways authorised by this Order have been duly opened within the period by this Order limited, and are fit for public traffic, order such portion so specified of the sum so deposited to be paid out or transferred to the Promoters or to be applied as they may direct, and thereupon such portion of such deposit shall be so paid out, transferred, or applied as aforesaid.

Extension of time for completion of tramways authorised by Order of 1880 and Order of 1882.

12. The periods within which the tramways authorised by the Order of 1880, and the tramways authorised by the Order of 1882, shall be completed and opened for public traffic respectively are hereby extended, and shall continue until the expiration of six months from the passing of the Act confirming this Order.

Time for completion of tramways.

13. The period within which the tramways authorised by this Order shall be completed and opened for public traffic shall be the period of six months from the passing of the Act confirming this Order, unless the time be prolonged by the special direction of the Board of Trade.

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Walsall.

Saving for general Acts.

14. Notwithstanding anything in this Order contained, the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Order, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, electrical power, or any mechanical power, by any such general Act as aforesaid.

Company to carry mails.

15. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or, failing agreement, by a referee, to be appointed by the Board of Trade at the request of either party: Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers' luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office:

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals, the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers, the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

WIGAN TRAMWAYS.

Wigan.

Order authorising the Construction of certain additional Tramways in the borough of Wigan and neighbourhood in the county of Lancaster.

Short title.

1. This Order may be cited as "The Wigan Tramways Order 1884."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to

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the entry upon lands by the Promoters of the undertaking), and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings: Provided that in this Order—

The expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking by this Order authorised.

The expression "the Order of 1879" means the Wigan Tramways Order 1879.

The expression "the tramways of the Promoters" means the tramways authorised by the Order of 1879 and the tramways authorised by this Order.

The expression "the Corporation" means the mayor, aldermen, and burgesses of the borough of Wigan in the county of Lancaster acting by the council.

The expression "the borough" means the said borough of Wigan and

The term "person" includes a corporation.

Promoters.

The Promoters.

4. The Wigan Tramways Company (Limited) shall be the Promoters for the purpose of this Order and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes: Provided that they shall not at any time hold for such purposes more than five acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates chairs sleepers offices weighbridges weighing-machines stables carriage-houses engine-houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 14 wholly situate in the township of Wigan in the borough of Wigan commencing in Market Place by a junction with the Promoters existing Tramway No. 3 at a point 90 links north of the centre of the Wiend thence in a northerly direction to Standishgate thence in a north-easterly and south-easterly direction along a proposed new road leading to Millgate Street thence along Chapel

Lane thence along Douglas Street and Harrogate Street to and terminating in Darlington Street by a junction with the Promoters existing Tramway No. 7 at a point 50 links east of Harrogate Street.

Provided that the said Tramway No. 14 shall not be laid in the said proposed new road leading to Millgate Street unless there is a space of not less than 9 feet 6 inches between the nearest rail and the outside edge of the footpath on each side of the road.

Tramway No. 14 shall be laid as a single line except between the points in the said proposed new road 7 chains 40 links and 4 chains 40 links north-west of the centre of Millgate Street where it shall be laid as a double line.

The length of Tramway No. 14 is 3 furlongs and 3 chains the length of the single portion being 3 furlongs and the length of the double portion being 3 chains.

Tramway No. 15 in single line 1 chain in length wholly situate in the township of Wigan in the borough of Wigan commencing in Harrogate Street by a junction with Tramway No. 14 at a point 70 links north of the centre of Darlington Street thence in a south-westerly direction to and terminating in Darlington Street by a junction with the Promoters existing Tramway No. 7 at a point 60 links west of the centre of Harrogate Street.

Tramway No. 16 wholly situate in the townships of Wigan Ince-in-Makerfield and Hindley commencing in the township of Wigan in Darlington Street by a junction with the Promoters existing Tramway No. 7 at a point 70 links west of the centre of Warrington Lane proceeding thence in a southerly direction along Warrington Lane Warrington Road and Walthew Lane and terminating in that lane in the township of Hindley at a point 50 links south of the centre of Platt Bridge Inn.

Provided that the said Tramway No. 16 shall not be laid in Warrington Lane and Warrington Road (1) from a point 30 yards south of the centre of Brookside Street for a distance of 130 yards in a southerly direction (2) from a point 20 yards south of the Pearson and Knowles Coal and Iron Company's pay office for a distance of 142 yards in a southerly direction (3) from a point 25 yards south of the centre of Taylor's Lane for a distance of 374 yards in a southerly direction so that for 30 feet or upwards a space of less than 9 feet 6 inches will intervene between the nearest rail and the outside edge of the footpath on each side of the road without the consent in writing of the owners and occupiers of the houses and shops or warehouses abutting thereon.

Tramway No. 16 shall be laid as a single line except between the following points namely in Warrington Road 2 chains 30 links north and 70 links south of the centre of New Road and between 90 links north and 2 chains 10 links south of the centre of Cemetery Lane and between 3 chains 10 links and 6 chains 10 links south of the centre of Taylor's Lane and in Walthew Lane between the points 3 chains 60 links and 6 chains 60 links south of the centre of the railway bridge in that lane where it shall be laid as a double line.

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The length of Tramway No. 16 is two miles and 1·50 chains the total length of the single portions being 1 mile 6 furlongs and 9·50 chains and the total length of the double portions being 1 furlong and 2 chains.

Tramway No. 17 in single line 2 chains in length wholly situate in the township of Hindley commencing in Walthew Lane by a junction with Tramway No. 16 at a point 80 links north of the centre of Stony Lane and proceeding in an easterly direction to and terminating in Stony Lane at a point 1 chain 80 links east of the centre of Walthew Lane.

Tramway No. 18 in single line 1·70 chains in length wholly situate in the township of Hindley commencing in Stony Lane by a junction with Tramway No. 17 at a point 1 chain east of the centre of Walthew Lane and proceeding in a south-westerly direction to and terminating by a junction with Tramway No. 16 at a point 90 links south of the centre of Stony Lane.

Times for commencement and completion of Tramways Nos. 14 and 15.

7. The periods limited by the Tramways Act 1870 for the commencement and completion of tramways shall with respect to Tramways Nos. 14 and 15 be reckoned from the date at which the proposed new road from Standishgate to Millgate shall become a highway repairable by the inhabitants at large.

Gauge of tramways.

8. The tramways shall be constructed on a gauge of three feet and six inches Provided always that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to the carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet six inches in width.

Provisions as to construction of tramways.

9. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade and also before the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and by the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

As to rails of tramways.

10. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate require the Promoters to adopt and apply such improvements in the tramways within such district including the rails and permanent way thereof together with the substructure on which the same rest as experience may from time to time suggest having regard to the greater security of the

public and advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times to the satisfaction of the road authority maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and so much of the paving of any roads upon which the same rest as is required to be maintained by the Promoters and if the Promoters at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act 1870 and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board the Promoters shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed in respect of offences.

Local authority to have access to sewers.

12. Every local authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters, and the provisions contained in sections thirty-two and thirty-three of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of such local authority as if the same were a pipe for the supply of gas or water.

Passing places to be constructed where less than a certain width left between footpath and tramway.

13. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall and they are hereby required to construct a passing place or passing places connecting the one tramway with the other and by means of such passing place or passing places the traffic shall when necessary be diverted from one tramway to the other.

Tramways to be kept on a level with surface of road.

14. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid the Promoters shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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Additional crossings, &c. may be made where necessary.

15. The Promoters may from time to time hereafter make all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing access to any stables engine-houses carriage-houses sheds or works of the Promoters subject to the approval of the road authority. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto.

Temporary tramways may be made where necessary.

16. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is, in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application of road materials excavated in construction of works.

17. Except as in this Order otherwise expressly provided any paving metalling or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after notice in writing to the road authority that the surplus of such paving metalling or material is ready for removal such surplus is not removed by the said surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority.

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Tramways not to be opened until certified by Board of Trade.

18. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act 1870 and the Board of Trade have by an order signed by a secretary or an assistant secretary of the said Board authorised the same to be opened for such traffic.

For protection of the Corporation.

19. For the protection of the Corporation the following provisions shall have effect with respect to so much of the tramways and of the undertaking as is situate in the borough.

(*a.*) The provisions of section seven of the Order of 1879 shall extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were part of the tramways and undertaking authorised by the Order of 1879 and for the purposes of such application the expressions "the tramways" "the lines of tramway" "the undertaking" and (except in sub-section five of the said section seven) the expression "this Order" in the said provisions shall be construed to mean respectively the tramways as defined by this Order the lines of tramway authorised by this Order the undertaking as defined by this Order and this Order.

(*b.*) Tramway No. 14 shall not be constructed until the levels of Standishgate and Millgate at the points where the said tramway is intended to cross them shall have been altered at the cost of the Promoters to the satisfaction of the Corporation.

(*c.*) The passing-place in Tramway No. 14 shall not be placed in a position where there shall intervene a less space than nine feet six inches between the nearest rail of the passing place and the kerbstone of the parapet without the consent of the Corporation and of the Board of Trade in writing.

(*d.*) Where the effect of laying the tramways and of any paving done by the Promoters is to render the rest of the pavement of the street irregular or uneven in its cross section the portion of the street so affected shall be repaved by the Corporation at the expense of the Promoters.

(*e.*) Tramway No. 15 shall not be constructed without the written consent of the Corporation.

(*f.*) The Promoters shall provide and maintain a suitable waiting room for passengers in the old market place Wigan.

(*g.*) Passengers shall only be taken up and set down in the borough at such places as the Corporation and the Promoters shall from time to time mutually agree upon.

(*h.*) The old paving setts taken up from any road within the borough in connexion with the construction of the tramways by this Order authorised shall belong to and be the property of the Corporation and may be removed by them as they may think proper and they shall give to the Promoters in lieu of any setts so removed an equal quantity of broken material or a sum of money equal to one shilling for every cartload of setts so removed.

(*j.*) All work done by the Promoters under the powers of this Order or of any Act incorporated herewith shall be carried out and executed by and

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at the cost and expense of the Promoters and in accordance with plans sections and specifications to be first approved by the surveyor for the time being of the Corporation.

(*k.*) All costs charges and expenses of the Corporation legal and otherwise out of pocket in connexion with the negotiation for the preparation and insertion of the foregoing clauses shall be borne and paid by the Promoters.

For protection of Ince-in-Makerfield Local Board.

20. For the protection and benefit of the Ince-in-Makerfield Local Board (in this section called "the local board") the following provisions shall have effect with respect to so much of the tramways and of the undertaking as is situate in their district:

(*a.*) Before the construction of the Tramway No. 16 by this Order authorised that portion of Warrington Road extending from Pearson and Knowles pay office to the point opposite the Ince Cemetery gates shown by a dash line on Sheet No. 3 of the deposited plans shall be altered and widened if required by the local board such widening to be made on the north-east side of such road and to be of such extent as to make that portion of the said Warrington Road not less than thirty-six feet wide with footways with a kerbed footpath on the same side five feet wide or such other width as the local board or their surveyor for the time being may determine upon.

(*b.*) Before the construction of the said Tramway No. 16 that portion of the said Warrington Road which extends from the north-westerly corner of the garden wall of Fir Tree House to the Lancashire Union Railway Bridge shown on Sheet No. 4 of the deposited plans shall be altered and widened if required by the local board so that such road for the lengths aforesaid shall be of the width (with footways) of not less than thirty-three feet.

(*c.*) In all other narrow places when the kerbstone or footpath will admit of it or when required by the local board or their surveyor for the time being the Promoters shall set back such kerbstone or footpath so as to leave nine feet six inches at least between the outside edge of such kerbstone or the outside of such footpath on either side of the road and the nearest rail of the tramway.

(*d.*) The road between the tram rails and eighteen inches on each side thereof except on the arched bridge which carries the said Warrington Road over the Leeds and Liverpool Canal shown on the said Sheet No. 3 of the deposited plans which is to be paved as herein-after mentioned with granite setts shall be paved for the whole length thereof with best Lester mill setts or other setts to be approved of by the local board: the paving of each side of the tramways shall be properly "toothed" in with broken joints with the existing pavements.

(*e.*) The old paving setts taken up from the roads within the district of the local board in connexion with the construction of the tramways shall belong to and be the property of the local board and may be removed by them as they may think proper.

(*f.*) All work done by the Promoters under the powers of this Order or of any Act incorporated herewith shall be carried out and executed in accordance with plans sections and specifications to be first approved by the surveyor for the time being of the local board.

(*g.*) Each of the tramways shall consist of a single pair of grooved rails and shall be laid and maintained in such manner as regards construction rails sleepers fastenings widths of groove foundations paving materials used and in all other respects as the local board may approve.

(*h.*) In laying down the tramways the Promoters shall restore the level of the roads and streets in all cases where the same are altered or disturbed.

(*j.*) All costs charges and expenses of the local board legal and otherwise in connexion with the negotiation for preparation and insertion of the foregoing clauses not exceeding the sum of twenty-five pounds shall be borne and paid by the Promoters.

For protection of Ince-in-Makerfield Local Board and Leeds and Liverpool Canal Company.

21. For the protection and benefit of the Ince-in-Makerfield Local Board and the Company of Proprietors of the Leeds and Liverpool Canal Navigation (herein-after called "the canal company") the following provisions shall apply:—

(1.) Before the construction of Tramway No. 16 by this Order authorised the bridge which carries the said Warrington Road over the Leeds and Liverpool Canal shown on Sheet No. 3 of the deposited plans (in this section referred to as "the canal") shall be taken down and removed and in the present line of that bridge iron girders so as to make a girder bridge (similar to Rose Bridge) shall be substituted for that bridge and the same shall be carried in one span across the canal and the level of the said Warrington Road shall be lowered at that point leaving a water headway of eleven feet measured perpendicularly between the under surface of the said bridge and the level of the sill at the bye-wash of the canal next below the bridge such bridge to be of the width (including footways) of thirty-six feet from parapet to parapet the whole of the carriage road over such girder bridge to be paved the entire width with four-inch granite cubes and the newly-formed footway on the north-easterly side of the bridge to be flagged. All the works aforesaid shall be made and carried out according to plans sections and specifications to be first approved by the surveyor for the time being of the said local board and the engineer for the time being of the canal company.

(2.) The Promoters shall make good all damage that may be occasioned to the works or property of the canal company by or during the construction of the said girder bridge:

(*a.*) In every case of pressing necessity and

(*b.*) In every other case if for seven days after notice in writing thereof given to the Promoters by the canal company the Promoters neglect to proceed with due diligence to make good any such damage;

the canal company may if they think fit make good such damage and the amount expended by them in so doing shall be repaid to them by the Promoters.

(3.) If and whenever by any act or omission of the Promoters any part of the canal or the towing path of the canal shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal the Promoters shall pay to the canal company as or by way of ascertained damages the sum of one hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time

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than a day: Provided that nothing in this Order contained shall prevent the canal company or any owner of boats or barges from recovering from the Promoters (in addition to the ascertained damages herein-before mentioned) any special damage that may be sustained by the canal company or such owner in consequence of the stoppage or hindrance to the traffic upon the canal or in consequence of the works to be executed by the Promoters or by the canal company for the Promoters under the provisions herein-before contained.

(4.) If and whenever any damages or other sums payable by the Promoters to the canal company or any such owner as aforesaid by virtue of this section are not paid on demand made on the clerk of the Promoters the same may be recovered by the canal company or such owner from the Promoters with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

(5.) All questions and differences which may at any time arise between the Promoters and the canal company as to the construction or effect of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected therewith or consequent thereon shall be determined by arbitration before an arbitrator to be appointed by the Promoters and the canal company or (if for fourteen days after the question or difference arises the Promoters and the canal company do not agree upon an arbitrator) by the Board of Trade upon the application in writing of both or either of the parties and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference and the costs of such arbitration shall be borne in such manner as such arbitrator may in his discretion think fit.

(6.) Except as is by this Order otherwise expressly provided nothing in this Order contained shall take away lessen prejudice alter or affect any of the rights privileges property powers or authorities of the canal company.

For protection of Hindley Local Board.

22. For the protection and benefit of the local board for the district of Hindley (in this section called "the local board") the following provisions shall have effect with respect to so much of the tramways and of the undertaking as is situate within their district, but sub-section (*d*) shall apply to the other authorities therein named and their respective districts as well as to the Local Board and their district.

(*a.*) Before laying a tramway along any road within the district of the local board the Promoters shall if required so to do by the local board provide that a minimum distance of nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway except in the case of passing-places and the triangle at Platt Bridge and at the point where the high road passes any bridges under or over the road.

(*b.*) If the local board hereafter divert or otherwise alter any road along or across which any of the tramways is laid or authorised to be laid the Promoters shall at their own expense from time to time when required by and to the satisfaction of the local board divert or alter or (as the case may be) lay their rails so that the uppermost surface thereof shall

be on a level with the surface of the road as diverted or altered and the line of rails shall as nearly as possible be laid in the new centre of the road when diverted or altered.

(*c.*) Notwithstanding anything in this Order contained any paving setts taken up or disturbed by the Promoters in the course of their works in the district of the local board shall remain the property of the local board who shall be at liberty to remove such paving setts when so taken up or disturbed.

(*d.*) The Promoters shall at all reasonable times permit an inspection of any of their engines cars permanent way premises and appliances by an inspector to be appointed by the local board the Corporation the Ince-in-Makerfield Local Board and the Pemberton Local Board, and the Corporation and the said local boards respectively may each appoint an inspector, and such inspector shall have full power and authority with the sanction of the authority or authorities appointing him to lay informations before justices of the peace and institute and carry on proceedings for offences committed by the Promoters or their servants in contravention of the Tramways Act 1870 or any amendments thereof or this Order or any byelaws or regulations made by such local board or any such authority or the Board of Trade for the regulation of the tramways.

The said local authorities in addition to any other regulations and byelaws they are authorised to make under the provisions of the Tramways Act 1870 may with the sanction of the Board of Trade from time to time make and when made may rescind annul or add to byelaws with regard to the tramways constructed within their district for all or any of the following purposes (that is to say) :—

For preventing smoking inside the carriages used on such tramways.

For the removal of drunken and disorderly persons from such carriages.

For preventing the overcrowding of such carriages.

(*e.*) All costs charges and expenses of the local board legal and otherwise in connexion with the negotiation for preparation and insertion in this Order of the provisions contained in this section not exceeding the sum of twenty-five pounds shall be borne and paid by the Promoters.

Promoters to pay costs of Pemberton Local Board.

23. All costs charges and expenses of the Pemberton Local Board legal and otherwise in connexion with the negotiation for preparation and insertion in this Order of clauses and amendments for their protection not exceeding the sum of twenty-five pounds shall be paid by the Promoters.

For protection of county justices.

24. For the protection of the justices of the peace for the county palatine of Lancaster (in this section referred to as "the justices") the following provisions shall apply and have effect (that is to say) :—

(*a.*) The Promoters shall at their own expense pave so much of any road whereon any of the tramways is laid upon over or adjoining any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein as lies between the rails and as extends eighteen inches beyond the rails of and on each side of such tramway with granite cubes or setts to the satisfaction of the justices or with such other paving as the justices may approve.

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(*b.*) In constructing any of the tramways upon or over any bridge or any parts of the road at either end of any bridge in the said county the Promoters shall not alter or interfere with the structure of such bridge or of the approaches thereto unless such alteration or interference with the construction of such bridge be absolutely necessary for the purpose of constructing such tramways and in the event of any such alteration or interference the Promoters shall together with the notice required in such cases by section twenty-six of the Tramways Act 1870 submit to the justices detailed drawings and specifications showing the proposed work as affecting such bridge or approaches and if any difference arise between the Promoters and the justices as to such alteration or interference or the necessity therefor the same shall be left for the decision of the Board of Trade and the Promoters shall so construct and maintain such tramways in the road over such bridge and the approaches thereto as not to injuriously affect such bridge or approaches; and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of any of the tramways on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramways) the justices may restore such bridge and approaches or the part or parts which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall recoup to and indemnify the justices against all sums costs and expenses which they may pay or be put to in restoring such bridge and in maintaining and repairing so much of the road over such bridge and approaches as the Promoters are liable to maintain and keep in good condition and repair under section twenty-eight of the Tramways Act 1870 and the justices may recover from the Promoters all such sums costs and expenses together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

(*c.*) In case steam or any mechanical power is used on any of the tramways laid on any bridge or length of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein the justices may execute such works as may in the opinion of their engineer and of the engineer of the Promoters (or in case of difference between them of an engineer to be appointed by the Board of Trade) be necessary for strengthening the fabric of such bridge and the justices may execute all such works in all things at the expense of the Promoters and the justices may recover from the Promoters in manner aforesaid all moneys expended by them in the execution of such works as aforesaid together with full costs and charges in like manner as any simple contract debt of like amount may be recovered. If it become necessary for effecting such strengthening that the working and use of any such part of the tramways be wholly or in part stopped or delayed and the justices give the Promoters three clear days notice in writing requiring such stoppage or delay the working and use of such tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such

strengthening and the justices shall not be liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay.

(*d.*) Nothing herein contained shall tend to lessen or control any right power or authority now vested in the justices for altering or rebuilding any bridge and the approaches thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the Promoters but all such rights powers and authorities shall remain in as full force as if this Order had not been made and confirmed and the justices shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto. Provided that in altering or rebuilding any such bridge or the approaches thereto nothing shall be done to impede or interfere with the tramways for any greater length of time or in any other manner than may be necessary for the execution of the works and before commencing such alteration or rebuilding fourteen days notice thereof shall be given by the justices to the Promoters and the justices shall afford to the Promoters all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alteration or rebuilding.

(*e.*) If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any of the tramways are laid be altered widened or rebuilt by the justices the justices may require the Promoters to alter any such tramways in such manner as the circumstances of the case may reasonably require. Provided that in case of any difference between the justices and the Promoters as to such alteration widening or rebuilding the same shall be settled in manner herein-after mentioned. Provided also that it shall and may be lawful for the Promoters to contribute such sum as may be mutually agreed upon between the Promoters and the justices towards the expense of altering widening or rebuilding any of such bridges as in this section mentioned.

(*f.*) If any dispute or difference shall arise between the justices and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise such dispute or difference shall (except where otherwise expressly provided) be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

For protection of London and North-western Railway Company.

25. In constructing and maintaining Tramway No. 16 where the same is intended to be carried along the said Warrington Road over the bridge which carries the said road over the Springs Branch Railway of the London and North-western Railway Company (in this section referred to as "the railway company") the following provisions shall have full force and effect and be binding upon the Promoters and their successors and assigns:—

1. The said Tramway No. 16 shall be constructed and maintained as a single line of tramway along the centre of the roadway.
2. The Promoters shall not in any way vary alter or interfere with the structure of the said bridge or the approaches thereto and they shall so

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construct and maintain the tramways over any such bridge and approaches as not injuriously to affect the same.

3. In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing use or removal of the said tramways the railway company may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the railway company against all sums and expenses which they may pay or be put to in repairing or maintaining so much of the road over such bridge or approaches as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act 1870 and the railway company may recover from the Promoters all such sums costs and expenses with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

4. Whenever and so often as the railway company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways thereunder or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and shall find it necessary for effecting any of such purposes that the working and use of the tramways over any such bridge or approaches shall be wholly or partially stopped or delayed or that the tramways should be temporarily diverted or be wholly or in part taken up or removed and shall (except in case of emergency) give to the Promoters seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working and use of such tramways shall be stopped or delayed or the said tramways shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer if such engineer give such superintendence but only for so long as the railway company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto.

And in case the principal engineer of the railway company and of the Promoters (or if they disagree an engineer to be appointed by the Board of Trade on the application of either party) shall be of opinion that any such strengthening reconstruction or alteration is desirable or necessary owing to the carriages or other vehicles used on any such tramway being or being intended to be moved by steam or any mechanical power such strengthening reconstruction or alteration shall be effected in all things at the expense of the Promoters who shall also pay to the railway company any additional expense which they may incur or be put to in effecting any such strengthening reconstruction or alterations or any widening lengthening repairs lifting or supporting by reason of the existence of the tramways or any of the works connected therewith

the amounts of such expenditure to be recoverable as aforesaid by the railway company from the Promoters with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

5. Whenever such tramways on either side of any such bridge or approaches are a single line there shall only be a single line over such bridge or approaches and no turn outs or passing places shall be constructed thereon.

6. All works which may be necessary in constructing and maintaining the said tramways over any such bridge and approaches shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the railway company or in case of difference of an engineer to be appointed by the Board of Trade on application of either the railway company or the Promoters.

7. Nothing contained in this Order shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the railway company otherwise than is hereby expressly provided.

For further protection of London and North-western Railway Company.

26. Whereas in the construction of the Platt Bridge Junction authorised by the London and North-western Railway (New Railways Act 1883) where the said junction is intended to pass under the said Warrington Road the London and North-western Railway Company (in this section called "the railway company") are under section nine of the said Act (for the protection of the Ince Local Board) under an obligation to alter the level of a portion of the said Warrington Road as in the said section provided. And whereas Tramway No. 16 by this Order authorised is intended to pass along the said portion of the said Warrington Road. Therefore if and when the railway company for the purpose of constructing the said Platt Bridge Junction or altering the level of Warrington Road shall find it necessary that the working and use of the said Tramway No. 16 shall be wholly or partially stopped or delayed or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall (except in cases of emergency) give to the Promoters seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working and use of such tramway shall be stopped or delayed or such tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer if such engineer shall give such superintendence but only for so long as the railway company may find to be necessary for effecting the construction of the Platt Bridge Junction or altering the level of Warrington Road and the works in connexion therewith and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto.

The provisions of the preceding section shall apply to the said Platt Bridge Junction when constructed as if the same had been authorised and constructed at the date of the passing of the Act confirming this Order.

For protection of Lancashire and Yorkshire

27. The Promoters shall construct the Tramway No. 16 by this Order authorised in Warrington Lane at the point where the said lane will pass

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underneath the railway of the Lancashire and Yorkshire Railway Company as now existing or as the same may be widened under the powers of the Act hereinafter referred to only in accordance with the plans sections and specifications to be reasonably approved of by the principal engineer for the time being of the said last-mentioned company and so as not in any way to prevent impede or interfere with the execution by the said last-mentioned company of the powers and obligations conferred and imposed upon them under the provisions of section six of the Lancashire and Yorkshire Railway Act 1881 and nothing in this Order and nothing done hereunder shall alter prejudice or affect the powers rights and privileges of the Lancashire and Yorkshire Railway Company under the said section or otherwise in respect of the works to be made or executed by the said company under or in pursuance of the provisions of that section. In case any difference arises between the Promoters and the Lancashire and Yorkshire Railway Company in respect to any matters or things in this clause contained the same shall be determined by the Board of Trade on the application of either the Promoters or the said company.

Motive Power.

Carriages may be moved by animal steam or mechanical power.

28. The carriages used on the tramways of the Promoters may, subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further period of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power. Provided that steam power or any other mechanical power shall not be used on Tramway No. 16 authorised by this Order or on Tramways No. 4 and No. 4A authorised by the Order of 1879 without the consent in writing of the Board of Trade.

Provided also that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule to this Order annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the said tramways.

Penalty for using steam or mechanical power contrary to Order or regulations.

29. The Promoters or any person using steam or any mechanical power on any of the tramways of the Promoters contrary to the provisions of this Order or to any of the regulations set forth in the schedule to this Order annexed or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues. Provided always that

whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or any persons using steam or any mechanical power on the tramways of the Promoters under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set forth in the schedule to this Order annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

30. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways of the Promoters upon which steam or any mechanical power may be used under the authority of this Order for all or any of the following purposes (that is to say)—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine.

For regulating the emission of smoke or steam from engines used on such tramways.

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety.

For regulating the entrance to exit from and accommodation in the carriages used on such tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages.

For limiting the number of carriages for the conveyance of animals goods minerals and parcels to be drawn or propelled together by steam or any mechanical power and the hours during which such carriages shall be used on such tramways.

For the licensing of the drivers of the engines and the conductors of the carriages used on such tramways (the age of drivers not being less than twenty-one years and of conductors not being less than eighteen years).

For providing that such tramways and the engines and carriages used thereon shall at all reasonable times be open to the inspection of inspectors appointed by the Corporation the Ince-in-Makerfield Local Board the Hindley Local Board and the Pemberton Local Board respectively and each of such inspectors shall have power with the sanction of the local authority appointing him to institute proceedings for offences committed by the Promoters or their servants against the Tramways Act 1870 or this Order or any byelaws or regulations made thereunder.

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to such tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

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Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

As to recovery of penalties.

31. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Order and to any penalty for nonobservance of any byelaw made by the Board of Trade under the authority of this Order.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

32. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which engines and carriages are to be driven or propelled on the tramways of the Promoters under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws to be signed &c.

33. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

As to contracts with road authorities where steam or mechanical power is to be used.

34. Where the Promoters or any person intend or intends to use steam or any mechanical power under the authority of this Order on the tramways of the Promoters or any part thereof they or he shall give two months previous notice of such intention to every road authority within whose district the tramways of the Promoters or such part thereof upon which they or he intend or intends to use such power are or is situated.

Where at the time of the giving of any such notice any contract agreement or arrangement between the Promoters or such person and any road authority is in force with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Promoters or such person by such notice or for such road authority by notice to be served upon the Promoters or such person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on any of the tramways of the Promoters and thereafter from time to time the Promoters or such person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the

Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arise between any such road authority and the Promoters or such person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Promoters or such person or the Promoters or such person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed. Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways of the Promoters or any portion of such tramways unless there is in force in relation to such tramways or such part of such tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramways of the Promoters are laid.

Whistles not to be used on engines without consent of the Corporation.

35. No whistle shall be used on the engines or cars within the borough without the consent of the Corporation and the special bell or other apparatus which is referred to in the schedule to this Order annexed shall be such as shall be approved by the Corporation the Ince-in-Makerfield Local Board and the Pemberton Local Board or as failing such approval shall be determined by the Board of Trade.

Where steam or mechanical power is used contract with

36. Where steam or any mechanical power is used by the Promoters or any person on the tramways of the Promoters or any part thereof no contract agreement or arrangement made before or after the commencement of the use of

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road authority not to be for longer than two years at a time.

steam or mechanical power as aforesaid between the Promoters or such person and any road authority with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or any mechanical power as aforesaid or the making of such contract agreement or arrangement. Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

Traffic upon Tramways.

For purpose of traffic and tolls tramways to form part of tramways authorised by Order of 1879.

37. The tramways authorised by this Order shall for the purposes of traffic upon the same and of tolls and charges be deemed to form part of the tramways authorised by the Order of 1879 and sections twenty-six to thirty-two both inclusive of the Order of 1879 and the schedule to the said Order annexed shall so far as the same are applicable apply to the tramways authorised by this Order in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1879.

Miscellaneous.

Provisions as to arbitration.

38. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so requires be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

39. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say)—

(1.) Every notice shall be in writing or print (including lithograph) or partly in writing and partly in print and if given by the Promoters by any local authority or any road authority shall be signed by their secretary or clerk.

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of such authority body or company or of the Promoters (as the case may be) or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office.

Agreements between Promoters and road authorities.

40. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into any agreements with respect to the construction maintaining removing renewing repairing and using of the tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating the passage of the traffic over and along the same.

Approval of Board of Trade to sale &c.

41. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board.

Saving as to powers of borrowing on mortgage.

42. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or the approval of the Board of Trade necessary to the validity or effect of any such mortgage. Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Promoters in the event of a compulsory sale of he undertaking or any part thereof to the local authority under section forty-three of the Tramways Act 1870 and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section forty-three of the Tramways Act 1870 and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Extension of time for commencement and completion of Tramways No. 4 and No. 4a authorised by the Order of 1879.

43. The periods limited by the Tramways Act 1870 or any Order made by the Board of Trade for the commencement and completion of tramways shall with respect to Tramway No. 4 and Tramway No. 4A authorised by the Order of 1879 be and the same are hereby extended as regards the commencement of such tramways until the expiration of one year from the passing of the Act confirming this Order and as regards the completion and opening for public traffic of such tramways until the expiration of two years from the passing of the Act confirming this Order.

Saving for general Acts.

44. Notwithstanding anything in this Order contained the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power electrical power or any mechanical power by any such general Act as aforesaid.

Company to carry mails.

45. The Promoters, if required by the Postmaster-General, shall perform with respect to any of the tramways of the Promoters all such reasonable services in regard to the conveyance of mails (including parcels as defined in the Post Office (Parcels) Act, 1882,) as the Postmaster-General may from time

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to time require, by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of mails for the time being, the remuneration for such services being determined by agreement, or, failing agreement, by a referee, to be appointed by the Board of Trade at the request of either party. Provided that—

(1.) So long as the Promoters carry on their own account no animals, goods, minerals, or parcels, other than passengers luggage, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the Post Office.

(2.) So long as the Promoters carry on their own account no animals, goods, or minerals, the aggregate weight of mails tendered for conveyance by any one tramcar, whether in charge of an officer of the Post Office or not, shall not exceed the maximum weight for the time being prescribed for parcels or passengers luggage, whichever maximum is the greater:

(3.) Where mails are carried by a tramcar conveying passengers the mails shall be carried in the manner most convenient to passengers, so that the custody of the mails by any officer of the Post Office in charge thereof is not interfered with. In this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873.

SCHEDULE.

Break-power of engines.

Every engine used on the tramways of the Promoters shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fitting of engines &c.

Every engine used on the tramways of the Promoters shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown.

With a suitable fender to push aside obstructions.

With a special bell whistle or other apparatus to be sounded as a warning when necessary and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage used on the tramways of the Promoters shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

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Inspection of engines and carriages.

The Board of Trade shall on the application of the local authority of any district in which steam or any mechanical power is used on the tramways of the Promoters and may on complaint made by any person from time to time inspect any engine or carriage used on such tramways and the machinery therein and may whenever they think fit prohibit the use on such tramways of any such engine or carriage which in their opinion may not be safe for use on such tramways.

As to speed.

The speed at which engines or carriages may be driven or propelled along the tramways of the Promoters shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

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